

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE JAMES RAYBURN,

Plaintiff,

v.

CALIFORNIA HIGHWAY PATROL, et
al.,

Defendants.

No. 24-cv-02704 SCR P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a county prisoner in the state of Arkansas proceeding pro se in this civil rights action under 42 U.S.C. § 1983. By order filed February 6, 2025, the court found plaintiff's first amended complaint did not state any claim for relief and granted thirty days leave to file an amended complaint. (ECF No. 6.) The order advised that if Plaintiff does not file a second amended complaint within 30 days, the court will issue Findings and Recommendations that the action be dismissed for failure to state a claim upon which relief may be granted. (*Id.* at 6.) The time granted for that purpose has expired, and plaintiff has not filed an amended complaint, or otherwise responded to the court's order.

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1 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly
2 assign a district judge to this action.

3 In addition, IT IS HEREBY RECOMMENDED that this action be dismissed without
4 prejudice for failure to state a claim upon which relief can be granted, for the reasons explained in
5 the court's earlier order, ECF No. 6. See 28 U.S.C. § 1915A(b)(1).

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days
8 after being served with these findings and recommendations, plaintiff may file written objections
9 with the court. Such a document should be captioned "Objections to Magistrate Judges Findings
10 and Recommendations." Plaintiff is advised that failure to file objections within the specified
11 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
12 (9th Cir. 1991).

13 DATED: March 27, 2025.

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SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE